SAN FRANCISCO DISTRICT

US Army Corps of Engineers

PUBLIC NOTICE

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RESPONSE REQUIRED BY: MARCH 27, 2001

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197 PERMIT MANAGER: John Knudsen Phone: 415-977-8437/E-mail: jknudsen@spd.usace.army.mil

1. **INTRODUCTION:** Rivendale Homes, P. O. Box 2873, Santa Rosa, California, 95405 [Contact: Laurence Stromberg, Ph.D., 415-721-0700] has applied for a Department of the Army permit to place fill into 3.12 acres of jurisdictional waters of the United States (seasonal wetlands and a drainage ditch) for the purpose of constructing the 2290 Fulton Road residential housing subdivision. The proposed subdivision would be constructed immediately northwest of Santa Rosa, Sonoma County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROPOSED PROJECT:

a. **Project Site** – The 2290 Fulton Road residential housing project site is located northwest of Santa Rosa, Sonoma County, California at Assessor Parcel Numbers 034-030-072 and 034-030081 (Figures 1 and 2). The 29.5-acre project site is located immediately outside the Santa Rosa city limits but within the city's urban boundary. Before construction of the project begins, it is anticipated that the property will have been annexed to the City of Santa Rosa. The site is located on the eastern side of Fulton Road midway between Francisco and San Miguel Avenues (Figure 2). The surrounding lands are currently in agricultural, rural residential, or residential use. The lands west of Fulton Road and north of Francisco Avenue are rural residential and agricultural lands. Subdivisions have recently been developed on the lands east of Francisco Avenue and south of San Miguel Avenue.

The project site consists of parcels that have been used in the past for agricultural purposes. The western sector of the site contains a residence, trailers, and several outbuildings fronting on Fulton Road. The eastern and central sectors of the site support an annual grassland-seasonal wetland mosaic typical of the Santa Rosa Plain. Annual grassland is the primary habitat type found on the project site. The original mound and swale topography of the site has been eliminated by soil leveling and shallow discing. As a consequence of these activities, the seasonal wetlands currently found on the project site do not conform in size, shape, location, boundaries, or hydrologic function to the original wetland features.

b. **Project Description** – Rivendale Homes proposes to construct a residential subdivision consisting of 194 homes on 19 acres of the 29.5-acre project site (Figure 3). The homes would range in size from 1,200 to 2,050 square feet. Two types of residences would be constructed: 118 courtyard style homes (which would include houses less than 1,700 square feet) and 76 two-pac homes (which would include houses larger than 1,700 square feet). Housing density in the subdivision would be approximately 11.1 dwelling units per acre.

Access to the subdivision would occur from Fulton Road at a single entry point (Figure 3). An internal loop road system would carry traffic through the subdivision. Fulton Road would be widened and improved to City of Santa Rosa standards along the project frontage. A 20-foot-wide landscape easement would be established along the eastern side of Fulton Road fronting the subdivision.

Underground utilities (sewer and water) would be extended to the subdivision from the south along the Fulton Road right-of-way. The site is currently drained by a ditch which passes in a southwesterly direction to a culvert under Fulton Road. Storm water and residential runoff would be conducted

from the new subdivision through this culvert. The capacity of the culvert would be increased to handle the peak water discharge expected from the residential subdivision. The culvert will drain into an existing swale on properties to the west of the project site. The applicant states that the capacity of this swale would be increased to handle the additional water flow. The swale drains into tributaries to the west, which, in turn, drain into the Russian River.

c. **Purpose and Need** – The applicant states that the purpose of the project is to construct 194 residential housing units on the 2290 Fulton Road project site. Construction of the subdivision would allow the developers to profit by approximately 10 per cent on their investment in the project. The applicant also states that the project is necessary because the demand for homes in Sonoma County is increasing. This demand is a result of significant population growth and employment opportunities in the north bay region.

d. **Mitigation** – The applicant's mitigation proposal includes the avoidance and preservation of existing on-site wetlands, on-site restoration of original native wetland habitat, and the construction of new wetlands both on- and off-site.

The on-site mitigation would establish an ecologically sound wetland preserve. The proposed preserve would encompass the eastern third (36% of the project site - Figure 5) and would be 10.5 acres in size. The 3.03 acres of wetland habitat on the preserve (49% of the 6.15 acres of jurisdictional waters on the project site) would remain outside the project development envelope and be restored to wetland conditions approximating those that existed on the site prior to soil leveling and discing. An additional 0.39 acre of new wetlands would be constructed on the preserve, resulting in a total of 3.42 acres of wetland habitat. The restored vernal pool-seasonal swale habitat would possess functions and values similar to those found in natural wetlands in the region. Hydrological connections would be restored to wetlands on both the Jacobson property to the south and the Stipinovich property to the east (Figure 6). Only 0.39 acre of new on-site wetland habitat would be created. Using criteria contained in the "Training Manual to Evaluate Habitat Quality of Vernal Pool Ecosystem Sites in Santa Rosa Plain (CH2M Hill, 1998)," the applicant estimates that 1.57 acres of mitigation credit could be claimed after taking into consideration both restoration and construction of new wetlands on the preserve. The preserve would also produce a net regional gain of suitable habitat for the endangered plant species Sonoma sunshine and Burke's goldfields. The preserve would be deeded to the California Department of Fish and Game in perpetuity no later than the first year following wetland restoration and construction.

Approximately 1.55 acres of wetland habitat would also be constructed off-site at the Wright Preservation Bank, Sonoma County, California. The new habitat would include vernal pools and connecting seasonal wetland swales. Construction plans for off-site mitigation at the Wright Preservation Bank have not been finalized to date.

Including both the acreage of on-site wetland construction and restoration (as discussed above) and off-site construction of new wetland habitat at the Wright Preservation Bank, the applicant states that mitigation at a 1 to 1 compensation ratio would occur. The proposed mitigation would compensate for the loss of 3.12 acres of wetlands and endangered plant habitat to construct the residential subdivision.

A comprehensive description of the applicant's proposed on-site mitigation plan is available for review in our office.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant shall provide the Corps with evidence that a valid request for State water quality certification has been submitted to the North Coast Regional Water Quality Control Board (RWQCB). No Corps permit will be granted until the applicant obtains the required certification.

Those parties concerned with any water quality issues associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, at 5550

Skylane Boulevard, Suite A, Santa Rosa, California, 95403, by the close of the comment period of this public notice.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps has assessed the environmental impacts of the action proposed in subject permit application in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to the Council on Environmental Quality's Regulations 40 CFR 1500-1508, and Corps of Engineers Regulations, 33 CFR 230 and 325. Unless otherwise stated, the Preliminary Environmental Assessment presented herein describes only the impacts (direct, indirect and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. Supporting data used in the preparation of this Preliminary Environmental Assessment are on file at the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California, 94105.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) Physical/Chemical Characteristics And Anticipated Changes

Substrate: Jurisdictional waters of the United States totaling 3.12 acres (seasonal wetlands and a drainage ditch) on the project site would be permanently filled to construct the project. The waters on the site to be filled have an average depth of 0.5 feet. Approximately 2,500 cubic yards of clean material would be imported to fill these waters. All imported materials would be compacted as necessary to support structures and paved surfaces.

Aquifer/Ground Water Recharge: The clay soils and subsurface hardpan on the project site are relatively impermeable to water and serve to hydrologically isolate the surface soils from the regional groundwater table. Therefore, construction of the project would have minimal effect on ground water recharge.

Drainage Patterns: Prior to regional development, the drainage pattern on the site was generally from the northeast to the southwest with runoff being conducted by a system of swales to tributaries and creeks to the west and southwest. Today, the drainage pattern has been interrupted and modified by the Northwestern Pacific Railroad tracks and Barnes Road to the northwest, drainage ditches excavated on both sides of Francisco Avenue, and a network of ditches between Fulton Road, Francisco Avenue, and San Miguel Avenue. A diagonal ditch crossing the site collects runoff from properties to the north, and drainage ditches along both sides of Francisco Avenue. A culvert under Folsom Road directs the runoff in the ditch to a swale located on properties to the west. The effect of the project on drainage patterns is considered long term, adverse, and minor

Flood Control Function of Impacted Wetlands: The seasonal wetlands on the project site are small and shallow. The wetlands have no significant storm water storage capacity or flood desynchronization function. The effect of the project on flood control function is considered to be long term, adverse, and minor.

Water Supply (Natural): No effect.

Water Quality: Best management practices for the prevention of erosion and the control of loose soil and sediment would be employed during construction to ensure that the proposed work does not result in the movement of unwanted material into other waters of the United States that would not be directly impacted by construction of the proposed project. The effect of the project on water quality is considered to be short term, adverse, and minor.

(2) Biological Characteristics And Anticipated Changes

Wetlands (Special Aquatic Site):

Seasonal Wetlands (Special Aquatic Site): Waters of the United States on the project site total 6.15 acres. Of this, 5.99 acres are seasonal wetlands and 0.16 acre is a jurisdictional drainage ditch (Figure 4). The acreage of waters of the United States impacted by project construction would total

3.12 acres (Figure 5). The site supports seasonal wetlands in partially and completely filled vernal pool and connecting swale habitat. Seasonal wetlands have also developed in an abandoned stock pond and in other areas on the site where, prior to soil leveling, the habitat was upland.

The seasonal wetlands are shallow and characterized by saturation or ponding only in depressions of lowest elevation. The depressions range in depth from 0.3 to 0.5 feet.

Wetlands in the abandoned stock pond are subject to much more variable inundation than are other seasonal wetlands on the site because the pond outlet is several feet above the pond bottom. The soils are porous because the pond was excavated through subsurface hard pan. For this reason, the pond does not remain full year-round or support perennial vegetation.

The drainage ditch on the project site is approximately 5 feet deep and varies in width from 3 to 6 feet at channel bottom to 8 to 12 feet at top of bank. The ditch was also excavated through subsurface hardpan. Plant species found in the channel bottoms include tall flatsedge (*Cyperus eragrostis*), rush (*Cyperus* spp), California coyote thistle (*Eryngium aristulatum*), dock (*Rumex* spp), and semaphore grass (*Pleuropogon californicus*).

The seasonal wetlands on the project site are dominated by perennial rye grass (*Lolium perenne*) and Mediterranean barley (*Hordeum marinum gassoneanum*). These species contribute greater than 75 per cent of the wetland cover except in a few small deeper depressions where semephore grass (*Pleuropogon californicus*) is one of the dominant species. Subdominant species found in the wetlands includes dock (*Rumex* spp), birdsfoot trefoil (*Lotus corniculatus*), pennyroyal (*Mentha pulegium*), rabbit-foot grass (*Polypogon monspeliensis*), and hyssop loosestrife (*Lythrum hyssopifolia).*

Special Status Animal and Plant Species:
Animal Species: The applicant states that surveys for invertebrate or amphibian animal species have not been conducted on the project site. Listed invertebrate species are not known to occur on the Santa Rosa Plain and the California tiger salamander is not known to occur north of California State Highway 12.

Plant Species: Colonies of Sonoma sunshine (*Blennosperma bakeri*) and Burke's goldfields (*Lasthenia burkei*) are known to be present on the project site and adjacent properties. A Burke's goldfields colony is located in a partially filled vernal pool along the southern margin of the project site and the Sonoma sunshine colonies are located in the eastern half of a swale that parallels the northeastern property boundary (Figure 4). The location and number of plants in the colonies have been documented by several biologists in the years 1991, 1993, 1996, and 1997. The number of plants in each colony fluctuates yearly, as would be expected with annual plant species. Neither species was observed on the project site during surveys conducted in the spring of 1999, although a small colony Sonoma sunshine was observed in an immediately adjacent off-site swale on property owned by the Piner-Olivet Union School District.

Because of the historical and continuing presence of Sonoma sunshine and Burke's goldfields on the project site, the Corps of Engineers will initiate formal consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act concerning the possible adverse impacts that project construction would have on the above endangered plant species.

Habitat for Fish, Other Aquatic Organisms and Wildlife: The seasonal wetlands on the project site are dry during the summer season and are not inundated for periods long enough during the wet season to support aquatic vertebrate organisms. The ephemeral ditch, which bisects the project site from the northwest to the southwest, does not support fish or other aquatic vertebrates. It is probable, however, that both the wetlands and the ditch support invertebrate organisms.

b. IMPACTS ON RESOURCES OUTSIDE THE ACQUATIC ECOSYSTEM

(1) Physical Characteristics And Anticipated Changes

Air Quality: Project construction will have

minor, short-term impacts on air quality in the vicinity of the project site. Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions will not exceed the *de minimus* threshold levels of 40 CFR 93.153. Therefore, the proposed project will conform to the State Air Quality Implementation Plan (SIP) for the State of California.

Noise Conditions: Short-term, adverse impacts to ambient noise levels can be expected during project construction due to equipment operation. Long-term adverse impacts to ambient noise levels can be expected from increased traffic on roadways in and near the residential subdivision. Residents of the subdivision will also contribute to the increase in regional ambient noise levels.

(2) Socioeconomic Characteristics And Anticipated Changes

Aesthetic Quality: The immediate region where construction of the residential subdivision would occur is characterized by agricultural lands and rural residential development. Housing subdivisions in Santa Rosa are located to the east and southeast of the project site. The new residential subdivision would be visually incompatible with the existing viewscape along Fulton Road. Continuing construction along Fulton Road is expected to occur, further modifying the regional viewscape. The impact of project construction on regional aesthetic quality would be long term, adverse, and minor.

Agricultural Activity: Construction of the housing subdivision will preclude future agricultural activities on the site.

Economics: The site owner and the homebuilders will benefit financially from construction of the residential housing. Project development would also generate monetary benefits for the City of Santa Rosa and Sonoma County in the form of increased tax and permit revenues.

Employment: Construction of the residential subdivision would provide employment opportunities for the regional building industry during the construction phase of the project. Post-construction, the project would indirectly contribute to employment in the region by increasing the available housing stock.

Energy: The project would not impact regional energy production. The subdivision will, however, increase regional energy consumption.

Mineral Resources: No effect.

Population/Growth Inducement: The residential subdivision would not result in unplanned development in the region. Regional growth considerations have been incorporated in the City of Santa Rosa General Plan. Construction of the 194 housing units on the site will, however, potentially result in a population increase in Sonoma County because of the increase in regional housing stock.

Public Health and Safety Issues: No public health or safety issues have been associated with construction of the project. The resulting increases in vehicular traffic on Fulton Road and other roadways and streets in the region could generate automobile and bicycle safety concerns. The effect of the project on public safety issues is considered long term, adverse, and moderate.

Recreational Fishing: No effect.

Recreational Opportunities: No effect.

Traffic/Transportation Issues: The additional population resulting from construction of the project would place additional burdens on the public transportation resources in Sonoma County. The effect of the project on traffic/transportation issues is considered long term, adverse, and moderate.

(3) Historic-Cultural Characteristics and Anticipated Changes

Historic-Cultural Characteristics: No historic or cultural resources are known to occur on the site. Standard construction-related measures to preserve cultural resources would be followed if buried materials are exposed during construction. All

contractors and subcontractors will be informed in writing of the potential for unearthing culturally significant resources. If artifacts are found during construction, work in that area will cease until an archaeologist can investigate the artifacts and assess their archeological value.

If cultural resources listed, or eligible for listing, on the National Register of Historic Places are identified during construction activities, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

Filling seasonal wetlands to construct the residential subdivision would indirectly impact wetlands on properties immediately to the north and south. Hydrologic connections exist between the wetlands to be filled and off-site wetlands. Hydrological connectivity between restored and new wetlands on the 10.5 acre mitigation preserve and off-site wetlands to the east and south wouldbe enhanced and remain intact.

d. SUMMARY OF CUMULATIVE IMPACTS

The loss of seasonal wetlands to construct the 2290 Fulton Road residential housing subdivision would continue the pattern of wetland loss in the Santa Rosa region. Several construction projects have recently been authorized which will result in regional wetland loss. The wetland fill required to construct the 2290 Fulton Road residential subdivision would, therefore, contribute to the long term adverse cumulative impacts to the aquatic ecosystem in Sonoma County, California.

e. CONCLUSION AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

5. **EVALUATION OF ALTERNATIVES:** Evaluation of the project impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water dependent. The applicant, however, has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the Guidelines. The applicant states that there are no practicable alternatives for his project. The Analysis of Alternatives is available for review in our office.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use. Evaluation of the probable impacts the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonable foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties to consider and evaluate the impacts of this proposed project. Any comments received by the Corps will be considered by the Corps of Engineers to determine whether to issue, modify, condition or

deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS**: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be addressed to Regulatory Branch, Attn: John Knudsen. It is Corps policy to forward any such comments which may include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting John Knudsen of our office at telephone number 415-977-8437, or by email at jknudsen@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.